

Denied Part 2: Schools Push Students Out Of Special Education To Meet State Limit

LAREDO – A few days before school began here in 2007, district administrators called an emergency staff meeting.

The Texas Education Agency had determined that they had too many students in special education, the administrators announced, and they had come up with a plan: Remove as many kids as possible.

The staffers did as they were told, and during that school year, the Laredo Independent School District purged its rolls, discharging nearly a third of its special education students, according to district data. More than 700 children were forced out of special education and moved back into regular education. Only 78 new students entered services.

"We basically just picked kids and weeded them out," said Maricela Gonzalez, an elementary school speech therapist. "We thought it was unfair, but we did it."

Gonzalez's account, confirmed by two coworkers and district documents, illustrates how some schools across Texas have ousted children with disabilities from needed services in order to comply with an agency decree that no more than 8.5 percent of students should obtain specialized education. School districts seeking to meet the arbitrary benchmark have not only made services harder to get into but have resorted to removing hundreds and hundreds of kids, the Houston Chronicle has found.

In San Felipe Del Rio CISD, in West Texas, officials several years ago stopped serving children with one form of autism.

In Brazosport ISD, on the Gulf of Mexico, employees were instructed in 2009 to end tutoring for students with severe dyslexia.

In Northwest ISD, near Fort Worth, administrators told parents that they no longer gave speech therapy to high schoolers who stutter.

And in Alief ISD, two staff members recalled being instructed to falsely suggest to parents that their kids had somehow been cured of serious disabilities.

"I was told to go into all these meetings with parents of kids with different disabilities and tell them, 'Oh, Johnny is doing so much better. So we want to try him in general education, and of course we'll give him support,'" said Christine Damiani, who served as the Alief Middle School's special education chair before retiring last year. "None of it was true."

Overall, Texas special education students are now 55 percent more likely to be returned to general education than the national average, according to data collected by the U.S. Department of Education.

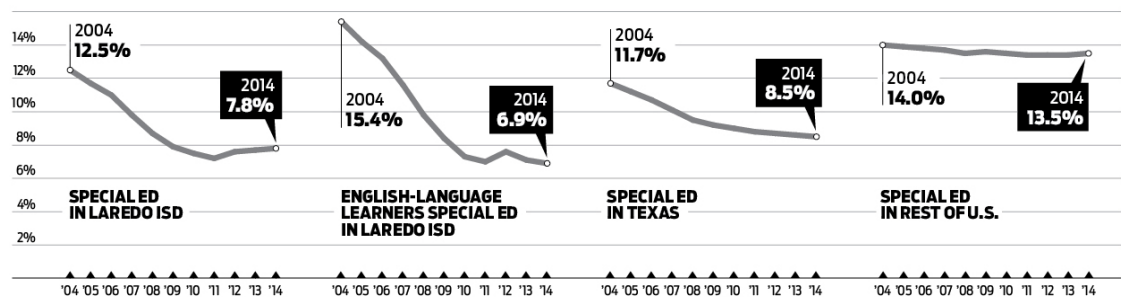
They are five times more likely to be expelled to a disciplinary school, the statistics show.

"It's OK for a child to be moved from special ed to general education if they truly no longer need the services," said former Deputy Secretary of Education Frank Holleman, noting that federal law encourages schools to re-evaluate special ed students every three years. "But if a child is moved just to meet some arbitrary number, that's the type of thing that can affect a child's entire educational career and entire life. That needs to stop immediately."

Enrollments down sharply

While special education enrollments have remained relatively steady in the United States, they have plunged in Texas and plummeted even faster in Laredo ISD. Children who are learning to speak English have been the most hurt.

Source: Houston Chronicle analysis of data compiled by the Texas Education Agency and U.S. Department of Education
Houston Chronicle



The purges explain part of how school districts have dramatically reduced their special education rates in the decade since the TEA created the 8.5 percent enrollment benchmark as part of a district monitoring system.

The percentage of students in special education has plunged from near the national average of 13 percent down to exactly 8.5 percent, by far the lowest of any state.

The Chronicle disclosed the benchmark last month and reported that the TEA quietly implemented it while facing a \$1.1 billion state budget cut without consulting state lawmakers, the federal government or any research.

Federal law obligates all public schools to provide special education to all eligible children with disabilities.

In response to the Chronicle investigation, the U.S. Department of Education on Oct. 3 ordered the TEA to end the target unless it can prove that no kids have been deprived of services.

The department also directed state officials to report back on how many districts may have denied services to students with disabilities and how they plan to "remedy the effect of such past practices."

The TEA has said it does not think anybody has been deprived, although it has said it will review its policies. Prior to the Chronicle investigation, the agency attributed the decline in special education students to new teaching techniques that it said had lowered the number of kids with "learning disabilities," such as dyslexia.

Agency officials also have said the 8.5 percent number is only an "indicator" of district performance and that districts are not seriously penalized for serving too many kids.

Documents show, however, that the TEA came down hard on Laredo ISD in 2007 in part for exactly that reason. The agency sent a team of regulators to Laredo and ultimately made the district hire consultants to fix several issues, including "potential over-identification," because it was providing special education to 11 percent of students — above the state standard, even though it was well below the national average.

The district's special education director at the time, Tracy Cartas, declined comment. The current director, Raul Gomez, a 24-year district veteran, said he did not recall any purges. Laredo reduced its numbers, he said, by improving its evaluation process.

But dozens of other current and former Laredo staffers said they felt tremendous pressure to reduce enrollment at all costs.

"TEA required us to do this," said GeorgeAnne Reuthinger, who replaced Cartas as director while the purges were still going on. "There was no wiggle room."

A Lonely Fight

Every day, Joseph Espinoza's parents send him to school without knowing if he will come home.

The 17-year-old, who was abused as a child and shuffled between foster homes before being adopted by the Espinozas six years ago, has been diagnosed with a variety of conditions — including Asperger syndrome, Post-Traumatic Stress Disorder, bipolar disorder and schizophrenia — and every day is a struggle.

But it is now a struggle that his family fights alone.

For years, Joseph received counseling, tutoring and extra supports from College Station ISD, school records show. But in the spring of 2015, after the services helped him earn all passing grades for the first time ever, the district said those grades were evidence that he no longer qualified for special education.

The district moved him into Section 504, a program for kids with disabilities who qualify for classroom accommodations but not services. The primary accommodation that Joseph got was a private room for tests.

"They said he would be just as successful in 504, and they would monitor him closely," said Joseph's mother, Lisa Espinoza. "They didn't do any of that, of course."

Without any help, Joseph again failed his classes, records show. He also fell into a deep depression and decided to stop taking his medication.

Last month, after he started having frequent hallucinations, he ended up spending 12 days in a state psychiatric hospital.

College Station ISD declined to comment on Espinoza, who is back in school now — still not receiving services and still failing.

His parents are trying to get him back in.

Targeting The Disabled

When the Texas Education Agency first introduced its monitoring system in 2004, nearly 1,100 of the state's 1,200 school districts were giving special education to more than 8.5 percent of their students, state statistics show. More than 96 percent of those districts have since lowered their rates.

The districts that have purged their special education rolls have targeted a variety of children, according to interviews with educators, advocates and parents as well as a Chronicle review of "Corrective Action Plans" submitted to the state by districts cited for over-identification.

In Alief ISD, the focus was on Asian students with autism.

Damiani, the former special education chair, said she was repeatedly told Alief ISD was under TEA sanctions for having too many special education kids. Then, one day she was handed a paper with the names of a dozen of her students, she said.

"Someone somewhere had decided that we had too many Asians in our self-contained autism class," said Damiani, whose story was confirmed by a colleague.

"I was supposed to call the parents to schedule a (meeting) to move the children into another program or out of special ed altogether."

Damiani said she did it, even though it felt illegal and immoral. She lost sleep for weeks afterward, she said, and eventually the incident helped drive her to retire after 21 years with the district.

Craig Eichhorn, a spokesman for Alief ISD, said that no teacher has ever been ordered to remove students from special education.

Several other districts also concentrated on children with autism, a disability that exists across a spectrum that ranges from relatively mild social impairment to profoundly anti-social behavior that makes education highly challenging.

In San Felipe Del Rio CISD, officials used the 2013 update of the Diagnostic and Statistical Manual of Mental Disorders to dismiss students with Asperger syndrome, said Kerry Steiner, who worked with the district as part of a federally-funded parent training project. The update eliminated the diagnosis of Asperger syndrome as a distinct disorder — but placed it on the autism spectrum. Still, the district used the change to say that children with that diagnosis no longer had a disability, Steiner said.

"The law requires that schools base their special ed decisions on need, not opinion, or space availability, or money, or teacher training or other subjective positions," Steiner said. "It was heartbreaking to see schools not do that."

A spokeswoman for San Felipe Del Rio CISD denied Steiner's story. She speculated that the decline in students with autism in the district was due to families coming and going from a nearby military base.

Brazosport ISD administrators worked to remove students with learning disabilities, said Dede Wilkinson, who taught English there between 2004 and 2015. Wilkinson said the district responded to TEA criticism about over-identification by adopting new policies saying children could be discharged if they made even the smallest amount of progress in a year.

Brazosport ISD said in a statement that it is "committed to providing quality education and outstanding learning experiences with caring and compassionate teachers for each of our students."

In Northwest ISD, the target was kids who stuttered, said Jackie Edmonds, who taught special ed there before going to work for the American Federation of Teachers in 2012. That district decided it would no longer give speech therapy to those children after middle

school, Edmonds said. One parent of a child who stuttered said administrators told her speech therapy had been eliminated for high school students who stutter.

Stuttering is a disorder whose causes are not well understood and for which there is no known cure, and Edmonds said, services are important for helping students learn to cope — even for high schoolers.

A spokeswoman for Northwest ISD said the district does not have a blanket ban on high schoolers receiving services for stuttering. She said district employees may have misunderstood directives about only giving services to children who actually have disabilities.

Several parents and advocates shared stories about districts that provide special education services through Preschool Programs for Children with Disabilities but remove services once children enter kindergarten.

One of those policies affected Michael Crighton, who was born weighing 1.6 pounds just 25 weeks into his mother's pregnancy. In preschool in Pearland ISD, he was in an autism program and got occupational and speech therapy, school records show. But when he got to kindergarten in 2010, his parents said they were told he had been "cured of autism."

Michael's school put him in Section 504, which allowed him to sit close to the teacher, records show.

"It was a disaster. A complete disaster," said his mother, Lisa Odom. "The seating was a joke because he usually hid under his desk, and he often was sent to the principal's office because they felt him to be disruptive ... I was called to the school every single day. And then the last two weeks of school, they just told me to keep him home."

Michael got back into special education, but not until 2013. The three years out of services have left him "extremely behind" academically and emotionally, his parents said.

At least a dozen school districts including Bellville ISD and Brenham ISD have promised the TEA in Corrective Action Plans that they will closely scrutinize special education students who transfer into the district to see if they can manage without services, records show.

"Records of transfer students will be thoroughly reviewed," Morgan ISD vowed in a 2009 Corrective Action Plan, which included a blunt promise: "The number of students eligible for special education services at Morgan ISD will decline."

Evanston, Illinois vs. Austin, Texas

When a job change led Steven Smith's parents to move to Texas, they chose to send him to Austin ISD because they heard good things about its special education department.

Their 11-year-old son was born without functional hands and had since been diagnosed with both autism and scoliosis, medical records show. He had gotten a classroom aide, social skills classes, a laptop and other special education services when the family lived in Evanston, Illinois.

But when they arrived in 2014, Austin ISD told them that Steven no longer qualified for special education — not even the laptop.

"I showed them all of the paperwork from Illinois," said Steven's mother, Anna Smith. "Everybody called from Illinois — his principal, his teacher, his aide, his social worker. But I was told that from (Austin ISD's) eyes, he didn't have any need for special ed."

Steven struggled immediately, according to his mother. He failed assignments, lost confidence and began to hate school. One day, he told his parents that he wanted to kill himself, leading them to pull him out of school.

Austin ISD declined comment.

The family has since moved to nearby Leander ISD, seeking a fresh start.

Laredo's Purge

Then there's the Laredo ISD, an impoverished school system on the Mexican border where 98 percent of students receive free or reduced-price lunch and 60 percent do not speak English as their native language.

The Laredo schools provide a unique window into how the Texas Education Agency enforces its special education enrollment benchmark.

For months, the TEA has refused to release any records or correspondence about the enforcement efforts other than some Corrective Action Plans submitted by some school districts in the past few years. Agency lawyers have argued that all other records are exempt because they were part of audits, and Attorney General Ken Paxton's office has agreed.

The TEA turned over some documents about Laredo ISD only after the Chronicle found that those records had been shared with another requestor five years ago.

The agency's efforts in Laredo are a good illustration of how it monitored districts around the state, according to three of the five employees on the team.

The documents show that the district caught the TEA's attention because it scored poorly on the monitoring protocol, called the Performance-Based Monitoring Analysis System (PBMAS).

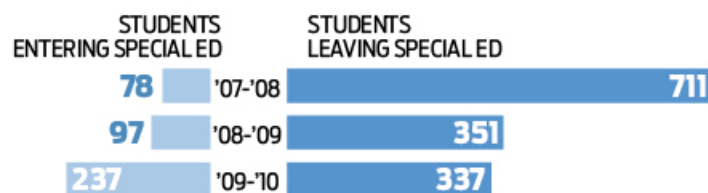
As a result, the agency in March 2007 sent five employees to spend nearly a week in Laredo interviewing district administrators, teachers and parents, according to a letter summarizing the visit.

The regulators noted problems with a few individual special ed student plans and identified four systemic "issues/trends": low participation and passing rates on state tests; a lack of inclusive practices; insufficient monitoring of student progress; and "potential over-identification," particularly among non-English speakers.

TEA officials ordered the district to take 12 different corrective actions, including the hiring of consultants.

Purging the rolls

After the Laredo Independent School District was punished by the Texas Education Agency for providing special education to too many children, the district took services away from nearly one-third of its students with disabilities. More than 700 kids left special education in the 2007-08 school year, not including those who graduated. Just 78 entered. The removals continued in ensuing years.



Source: Laredo Independent School District

Houston Chronicle

Over the past two months, Laredo ISD has ignored multiple requests for public records related to its response to the sanctions. But dozens of current and former staffers said the penalties led to a massive reduction in special education.

Teresita Gutierrez, a longtime district staffer who was a vice principal at the time, recalled meetings in which she was ordered to make it hard to get into special education.

Because of the district's poverty, the schools have historically had to teach parents about special ed, Gutierrez said. But suddenly, she said, schools were ordered not to tell parents that they can test children to see if they qualify for services.

"We just had to watch them fail," Gutierrez said.

Catherine Rodriguez, who taught 4th grade in the district for 37 years before retiring last year, said the district began requiring teachers to go through several different cycles of interventions before requesting a child be evaluated for special ed.

"They came up with this system where it was so dragged out ..." Rodriguez said. "'Now try this and now try that.' It was ridiculous because the whole year would go by, and you'd have to start it all again the next year."

Officials also ordered purges.

Even strong Laredo ISD supporters acknowledged that the district responded to TEA pressure by re-examining special ed students.

Criselda Alvarez, a consultant hired by the district, said she and others focused on testing non-English speakers to see if they actually had disabilities or had struggled in school only because of language barriers.

"We really had to look at that, and exit some of those kids because at one point the numbers were really high," Alvarez said.

In Laredo ISD in the mid-2000's, so-called English Language Learners did receive special ed services at a higher rate than English speakers — a situation that was not the case in the rest of the state. But, their special education percentage was only slightly higher than the national average of 13 percent.

The number of English Language Learners in services in Laredo ISD has plummeted since then, state statistics show. Today, only 6.8 percent of those kids get services, far below the district, state and national averages.

The federal government has said it is especially concerned about the denial of special education services to English Language Learners in Texas.

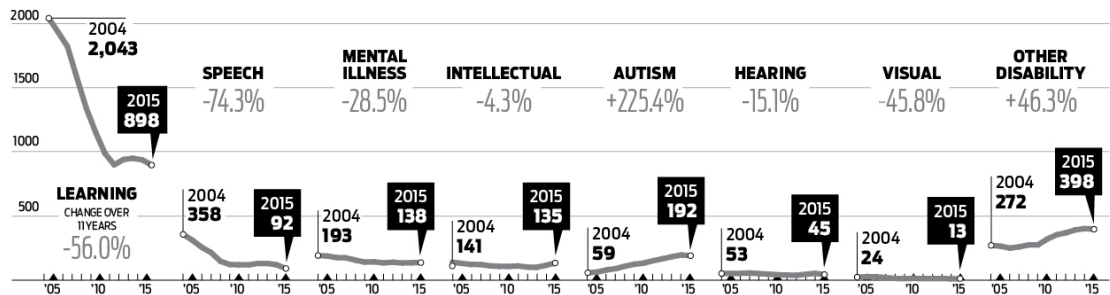
Districtwide, the special education percentage has dropped from 11 percent to 7.8 percent. There have been steep dips in kids with learning disabilities (down 56 percent since 2004), visual impairments (down 46 percent) and mental illnesses (down 29 percent), but no drop has been more dramatic than in the speech impairment category, which has plummeted 74.3 percent.

Just one in every 300 students in Laredo ISD now receive speech therapy services — seven times less than the national average.

Decreases across the board

Laredo ISD's reduction in special education has affected children with virtually every type of disability. The notable exception to the trend is autism, but identification of that condition is skyrocketing across the United States.

Source: Houston Chronicle analysis of data compiled by the Texas Education Agency
Houston Chronicle



Numerous staffers said the district decided to only provide services to students who could not pass state tests. Since tests are written, not oral, kids with problems with pronunciation, stuttering and swallowing were deemed to no longer qualify.

Rossana Venecia, a former supervisor in the district's speech therapy department, defended that decision, saying special education is not meant to help kids talk.

"If they are making A's or B's, they don't have an educational need for special education," Venecia said. "We're not just here to teach them r's and sh's."

But speech therapy experts in Texas and around the country said kids with pronunciation, stuttering and swallowing disorders do have educational needs. They often cannot communicate with their teachers, are afraid to speak in class and have few friends and low self-esteem, the experts said.

It is impossible to know what has happened to the discharged students because Texas does not meaningfully track what happens to children who leave special education.

The PBMAS system monitors the percentage of students who pass state tests in the year after they exit services, but that metric is flawed because it does not require schools to say how many kids took modified tests or did not participate at all.

Laredo ISD does not give state tests to most children who exit special education, statistics show.

In the 2008-2009 school year — the year after more than 700 students left special ed — only 78 kids in grades 3–8 took the state math test, according to the TEA. Forty-five passed.

Only 15 children took the state social studies test. Eight passed.

Maricela Gonzalez, the speech therapist, said she is certain that many of the discharged students have suffered academically, socially and emotionally.

She and other therapists tried to find time to check on the purged children in regular classes, but "a very, very, very high percentage of kids fell through the cracks," she said.

Gonzalez does not work with Laredo ISD anymore. In 2008, she joined a private company that provides for-fee pediatric therapy services.

She is haunted by the times that she wrote "Discharge" at the top of student files of children with disabilities who still desperately needed help. She often wonders what happened to them.

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